

Dean Fullerton
1/6/2023

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SCOTT EASOM, ADRIAN)
HOWARD, and JOHN NAU, on)
behalf of themselves and)
on behalf of all others)
similarly situated,)
Plaintiffs,)
)
vs.) CASE NO. 4:20-CV-02995
)
US WELL SERVICES, LLC,)
DEFENDANT.)

ORAL DEPOSITION

DEAN FULLERTON

January 6, 2023

ORAL DEPOSITION OF DEAN FULLERTON, produced as
a witness at the instance of the Plaintiff and duly
sworn, was taken in the above-styled and numbered
cause on the 6th day of January, 2023, from
10:05 a.m. to 1:54 p.m., before Laurie Carlisle,
Certified Shorthand Reporter in and for the State of
Texas, reported by computerized machine shorthand at
the offices of McDonald Worley, P.C., 1770 St. James
Place, Suite 100, Houston, Texas 77056, pursuant to
the Federal Rules of Civil Procedure and the
provisions stated on the record or attached hereto.

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1 A. In difficult hiring areas at times, yes.

2 Q. Was it common, or was it rare?

3 A. It was common in certain locations.

4 Q. What locations?

5 A. It would be common in West Texas, as an
6 example. More difficult to hire. Each site made
7 its own decisions, however, in hiring.

8 Q. On hiring, correct?

9 A. Correct.

10 Q. So Mr. Lorenz would do a phone interview,
11 determine whether or not this person should go to
12 the next phase of the recruitment process, and refer
13 that person to the local area that the person --

14 A. Local site manager.

15 Q. Local site.

16 Let's talk about -- just so we have
17 the same understanding, what were the local sites in
18 March -- February and March of 2020?

19 A. Jane Lew, West Virginia; Uhrichsville,
20 Ohio; Williamsport, Pennsylvania; Houston, Texas;
21 Pleasanton, Texas; Bryan, Texas; San Angelo, Texas.

22 To the best of my recollection, those
23 sites were all in existence in March 2020.

24 Q. And Utah, what did that fall under?

25 A. Utah was not in existence at the time.

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1 You have regional managers, correct?

2 A. Yes.

3 Q. And you have district managers?

4 A. Yes.

5 Q. And the district managers are the ones
6 that deal with the day-to-day operations of a site?

7 A. Yes.

8 Q. And is there just an operations manager?

9 MR. KORN: Object to the form.

10 Q. Does that title exist?

11 A. That title exists.

12 Q. And do they -- what's their role with
13 respect to the regional manager and the district
14 manager?

15 A. Operations managers would typically report
16 in to a district manager unless there was no
17 district manager available, in which case they might
18 report to a regional.

19 Q. And who do you report to? While you were
20 at US Well.

21 A. The CEO.

22 Q. Now, is it correct to state that all
23 payroll with all the employees at US Well Services,
24 when it existed, was done out of Houston?

25 MR. KORN: Object to the form.

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1 A. No.

2 Q. Who conducted payroll -- I mean your
3 payroll person was Ms. Creed, correct?

4 A. Yes.

5 Q. She's in Houston, correct?

6 A. Yes.

7 Q. So she had other people working under her,
8 correct?

9 A. She had one.

10 Q. But all the payroll is processed through
11 Houston?

12 A. No.

13 Q. Where was it processed?

14 A. In each location.

15 Q. Can you please explain that?

16 A. Pardon me?

17 Q. When I say processed, did the Houston
18 office have any type of involvement in the payroll
19 of the employees at different locations?

20 A. Yes.

21 Q. What was their involvement?

22 A. Each site would be responsible for their
23 payroll. They would make any corrections, any
24 changes. They would manage the time of the
25 individual employees and review it. They would get

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1 A. His payroll, if it was a short duration,
2 typically a few weeks, his payroll would be
3 submitted at his home location.

4 Q. You mentioned home location. How do you
5 determine where the home location is for an
6 employee?

7 A. Which site he was paid from and hired at.

8 Q. When you say "paid from," what do you mean
9 by "paid from"?

10 A. Meaning that they had a separate payroll
11 for each location I mentioned. Bryan, San Angelo,
12 Pleasanton and the like.

13 Q. But all the -- when you say separate
14 payroll, you're saying separate processing of the
15 payroll?

16 A. Separate processing, separate grouping,
17 separate review and approval.

18 Q. When you say "separate grouping," what do
19 you mean by "separate grouping"?

20 A. Each location had a separate identifying
21 code for hourly and one for salaried employees that
22 got processed as that site's payroll for hourly or
23 salary.

24 Q. Would each site have its own bank account?

25 A. No.

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1 Q. During the terminations in March or April
2 of 2020, did any of the employees complain that they
3 weren't provided any WARN Act notice?

4 A. Not that I can recall.

5 Q. With respect to the terminations that
6 occurred in March and April of 2020, was Sarah Sopko
7 involved with respect to who was going to be
8 terminated?

9 MR. KORN: Object to the form.

10 A. Decisions on who would be terminated were
11 made by operations in each location.

12 Q. So with respect to -- well, you were
13 involved with respect to the terminations in March
14 and April of 2020, correct?

15 A. I did not choose who was terminated.

16 Q. I understand, but you were involved in the
17 process?

18 MR. KORN: Object to the form. It's
19 vague.

20 A. Yes.

21 Q. What was your involvement?

22 A. Involvement was assisting operations and
23 other departments in consolidating lists of
24 employees to be laid off and working with the HR
25 team to provide notifications and timing.

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1 A. I believe some targets were determined by
2 Chuck Johnson and some by Jeff Bennett, based on the
3 timing of the layoff.

4 Q. And were these targets discussed in emails
5 or in meetings?

6 A. I don't recall. I suspect -- I don't
7 recall.

8 Q. How were the targets -- how were the
9 targets determined, like the number of people to be
10 laid off?

11 A. I don't know how to answer that question.

12 Q. When did discussions begin regarding the
13 layoffs in March?

14 MR. KORN: Object to the form. Vague.

15 A. I don't recall exact dates. It would have
16 been prior to the first layoff.

17 Q. March 6th?

18 A. Yes.

19 Q. At the time of the first layoff in
20 March 6th, was there a determination or any made
21 with respect to the future layoffs that occurred at
22 the end of March?

23 A. No.

24 Q. There was no determination made?

25 A. No.

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1 like meetings regarding these terminations that you
2 were involved in?

3 MR. KORN: The March 18th terminations?

4 MR. ASSAAD: Yes.

5 A. I'm sure there were some discussions at
6 some point regarding the timing and anticipation. I
7 don't recall being involved in any discussion of
8 names.

9 Q. Okay. But I'm talking about targets.
10 When did you -- withdraw that question.

11 I'm trying to figure out after
12 March 16th -- after March 6th and between
13 March 18th, when did you first become aware that
14 there would be additional terminations?

15 MR. KORN: Objection, asked and
16 answered. But you can go again.

17 A. I don't recall how many days prior to that
18 layoff on March 18th that I was made aware.

19 Q. Okay. Was it days, a week? Do you know?

20 A. Would have had to have been days, most
21 likely. Could have been a week. But it was
22 sometime between March 6th and March 18th.

23 Q. Okay. And I'm just trying to figure out
24 that time.

25 A. Uh-huh.

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1 Q. So this is involving the additional
2 terminations that are going to occur at US Well that
3 occurred around March 18th and after, correct?

4 A. This was planning in anticipation of loss
5 of work in the northeast specifically, along with
6 other actions.

7 Q. Is Fleet 13 in the northeast?

8 A. I don't recall if it was at the time.

9 Q. Okay. It talks about a 10 percent
10 across-the-board pay cut for salaried personnel
11 effective either March 16th or April 1st ASAP but to
12 be determined.

13 Did I read that correctly?

14 A. Yes.

15 Q. So all salaried personnel were going to
16 have a reduction in their salary?

17 A. Yes, but this was modified later.

18 Q. Okay. How was it modified?

19 A. To the best of my recollection, executives
20 were cut by 20 percent. Salaried employees by 10,
21 and I believe we cut hourly personnel by five, if I
22 recall correctly.

23 Q. No. 4, it says, "Potential reduction of
24 force of 40 to 45 employees in the northeast."

25 Did I read that correctly?

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1 Q. Prior to March.

2 A. There had been freezes in the past but not
3 prior to March.

4 Q. Like in 2020 --

5 A. Not in 2020. No, we were actually hiring
6 in January and February of 2020 because we didn't
7 anticipate layoffs.

8 Q. On the third page, your first email was at
9 10:55 a.m. on March 12, 2020. Last couple of
10 sentences on the first paragraph says, "There will
11 be a consolidation likely both in the northeast as
12 well as in Texas."

13 Did I read that correctly?

14 A. Yes.

15 Q. And I take it we're talking about the
16 different regions. There's a northeast region and
17 the Texas region, correct?

18 A. Different districts.

19 Q. Districts. When you say different
20 districts, is northeast a district?

21 A. No.

22 Q. What would you call the northeast, a
23 region?

24 A. Geographic region.

25 Q. So there's a -- I just want to be on the